



## Select Board Meeting – Amended 6.12.2020

Monday, June 15, 2020 7:00 PM

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

RECEIVED  
TOWN CLERK'S OFFICE

2020 JUN 12 P 1:42

---

**I. Call to Order – 7:00 P.M.**

TOWN OF ANDOVER, MASS

**II. Opening Ceremonies**

A. Moment of Silence/Pledge of Allegiance

**III. Communications/Announcements/Liaison Reports**

**IV. Public Hearings**

A. Outdoor Dining License for Ultimate Perk, Inc. – (5 minutes)

Board to discuss and consider voting to approve an application by Ultimate Perk, Inc. d/b/a Ultimate Perk at 96 ½ Main Street for an outdoor dining license for 8 seats and 4 tables.

**V. Regular Business of the Board**

A. Update on Community Forum on Anti-Racism and Inclusion – (10 minutes)

Town Manager to provide the Board an update on upcoming Community Forum on Anti-Racism and Inclusion. The Board invites the public to send their thoughts to [InclusiveAndover@andoverma.us](mailto:InclusiveAndover@andoverma.us).

B. COVID-19 Update – (15 minutes)

Town Manager to provide update on Town's response to COVID-19 including an update on the FY20 and FY21 budgets.

C. Alcohol Service for Outdoor Dining – (10 minutes)

Board to consider voting to delegate to the Town Manager the authority to approve extensions of alcohol license premises.

D. Compensation Fund Transfer – (5 minutes)

Board to consider voting to approve a transfer from the Compensation Fund.

E. General Fund Budget Transfers – (5 minutes)

Board to consider voting to approve budget transfers within the FY 2020 Budget.

F. Recreation Revolving Fund – (5 minutes)

Board to consider voting to approve an increase in the expenditure limit for the Recreation Revolving Account.

G. July Operating Budget – (5 minutes)

Board to consider voting to approve the FY2021 town and school operating budgets for the month of July.

H. Bond Anticipation Note (BAN) Sale – (5 minutes)

Board to vote to approve a Bond Anticipation Note (BAN) sale.

I. 47 Spring Grove Road – (10 minutes)

Board to vote to authorize the Chair to sign the deed for the sale and conveyance of Town cemetery land located at 47 Spring Grove Road as authorized by the 2019 Town Meeting.

J. Town Manager Annual Review and 2020 - 2021 Goal Setting – (10 minutes)

Board to review and consider voting to approve Town Manager Annual Review Process and 2020-2021 Goal Setting Process.

K. Board Reorganization – (10 minutes)

Board to discuss and consider voting to reorganize.

L. Select Board Appointment to Retirement Board – (10 minutes)

Board to discuss and consider voting to approve process for Select Board's appointment to Retirement Board and the potential reappointment of Tom Hartwell.

**VI. Consent Agenda**

A. Appointments by the Town Manager

Board to vote that the following appointments by the Town Manager be approved.

Department	Name	Position	Rate/Term	Date of Hire
Community Services – Elder Services	Kelly MacKay (Kathleen Byrne)	Program Coordinator	\$64,862.16/yr	6/29/2020
Department of Public Works	Randy Farnan (Justin Faust)	Tree Climber	\$55,167.57/yr	6/16/2020
Andover Green Advisory Board	Melanie Cutler	Member	Term Expires 6/30/2023	7/1/2020
Andover Green Advisory Board	Anil Navkal	Member	Term Expires 6/30/2023	7/1/2020
Andover Green Advisory Board	Zona Sharfman	Member	Term Expires 6/30/2023	7/1/2020
Andover Housing Partnership Committee	Kevin Cuff	Member	Term Expires 6/30/2023	7/1/2020
Andover Housing Trust Fund Board of Trustees	Susan Shepard	Member	Term Expires 6/30/2023	7/1/2020
Audit Committee	Steven Caron	Member	Term Expires 6/30/2023	7/1/2020
Audit Committee	Neil Senior	Member	Term Expires 6/30/2023	7/1/2020
Ballardvale Historic District Commission	Diane Derby	Member	Term Expires 6/30/2023	7/1/2020
Ballardvale Historic District Commission	Matthew Pimentel	Member	Term Expires 6/30/2023	7/1/2020

Ballardvale Historic District Commission	Michael Silverman	Member	Term Expires 6/30/2023	7/1/2020
Board of Health	Pamela Linzer	Member	Term Expires 6/30/2023	7/1/2020
Commission on Disability	Stephen Surette	Member	Term Expires 6/30/2023	7/1/2020
Commission on Disability	Patricia Leelman	Member	Term Expires 6/30/2023	7/1/2020
Commission on Disability	Kathleen Dolan	Member	Term Expires 6/30/2023	7/1/2020
Commission on Disability	Jemma Lambert	Member	Term Expires 6/30/2023	7/1/2020
Conservation Commission	Donald Cooper	Member	Term Expires 6/30/2023	7/1/2020
Conservation Commission	Floyd Greenwood	Member	Term Expires 6/30/2023	7/1/2020
Council on Aging	Paul MacKay	Member	Term Expires 6/30/2023	7/1/2020
Council on Aging	Fran Walker	Member	Term Expires 6/30/2023	7/1/2020
Cultural Council	Leslie Malis	Member	Term Expires 6/30/2023	7/1/2020
Cultural Council	Sonia Novick	Member	Term Expires 6/30/2023	7/1/2020
Design Review Board	Craig Gibson	Member	Term Expires 6/30/2023	7/1/2020
Design Review Board	Suzanne Korschun	Member	Term Expires 6/30/2023	7/1/2020
Economic Development Council	Geoffrey Piva	Member	Term Expires 6/30/2023	7/1/2020
Emergency Management	Patrick Keefe	Director	Term Expires 6/30/2021	7/1/2020
Forest Warden	Michael Mansfield	Fire Chief	Term Expires 6/30/2021	7/1/2020
Keeper of the Lockup	Patrick Keefe	Police Chief	Term Expires 6/30/2021	7/1/2020
Memorial Hall Library Board of Trustees	Karen Van Welden-Herman	Member	Term Expires 6/30/2023	7/1/2020
Merrimack Valley Regional Transit Authority	Paul Materazzo	Member	Term Expires 6/30/2021	7/1/2020
Merrimack Valley Regional Transit Authority	Jacki Byerley	Alternate	Term Expires 6/30/2021	7/1/2020
Merrimack Valley Regional Transit Authority	Lisa Schwarz	Alternate	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Mark Comeiro	Member	Term Expires 6/30/2021	7/1/2020

Patriotic Holiday Committee	James Bedford	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Calvin Deyermund	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Brian Masterson	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Michael Mansfield	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	R. Scott Parrish	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Calvin Perry	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Francis Rittershaus	Member	Term Expires 6/30/2021	7/1/2020
Patriotic Holiday Committee	Stephen Wallingford	Member	Term Expires 6/30/2021	7/1/2020
Preservation Commission	Leslie Frost	Member	Term Expires 6/30/2023	7/1/2020
Preservation Commission	Joanna Reck	Member	Term Expires 6/30/2023	7/1/2020
Towle Fund Trustees	George Nugent	Member	Term Expires 6/30/2023	7/1/2020
Triad Council	Sreenivas Madras	Member	Term Expires 6/30/2023	7/1/2020
Veterans Service Agent	Mark Comeiro	Agent	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Austin Simko	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Brian Major	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Barbara McNamara	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Tana Goldberg	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Nicole Kieser	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Ann Ormond	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Rebecca Backman	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Dana Allen Walsh	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Anthony DiCenso	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	David Golden	Member	Term Expires 6/30/2021	7/1/2020

2020 Census Complete Count Committee	Yican Cao	Member	Term Expires 6/30/2021	7/1/2020
2020 Census Complete Count Committee	Champa Bilwakesh	Member	Term Expires 6/30/2021	7/1/2020

## VII. Approval of Minutes

A. Board to approve minutes from the following meetings:

1. June 1, 2020

## VIII. Adjourn

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation to the greatest extent possible. For this meeting, members of the public who wish to watch the meeting may do so in the following manner: Andover TV COMCAST CHANNEL 22 AND VERIZON CHANNEL 45. Members of the public who wish to ask a question on particular agenda items during the meeting can do so by calling 311 from their landline or cell phone within the geographical boundaries of Andover or by calling 978-623-8311 from anywhere or by emailing [manager@andoverma.gov](mailto:manager@andoverma.gov). Residents are encouraged to email their questions ahead of the meeting, however, staff will be available to present the Board with questions received during the meeting. Please include your name and address with your question.*

*Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of the proceedings as soon as possible after the meeting.*

# **LICENSE AGREEMENT**

**By and between**

**THE TOWN OF ANDOVER**

**And**

Ultimate Perk, Inc.

## **THE OWNER AND OPERATOR OF A RESTAURANT LOCATED WITHIN THE TOWN OF ANDOVER**

This License Agreement (the “Agreement”) is entered into as of the 15th day of June, 2020, by and between the Town of Andover and Ultimate Perk, Inc. The Owner and Operator of a Restaurant located within the Town of Andover.

WITNESSETH:

**WHEREAS**, Licensee is owner and operator of a Restaurant facility within the Town of Andover located at 96 ½ Main Street, Andover, MA. (hereinafter “Restaurant Owner”);

**WHEREAS**, Licensor is the Town of Andover (hereinafter the “Town”);

**WHEREAS**, the Restaurant Owner desires to provide the public with outdoor dining in an area shown on the attached plan;

**WHEREAS**, the Town is seeking a manner through which to facilitate the Restaurant Owner’s ability to provide the public with outdoor dining;

**WHEREAS**, the Town and the Restaurant Owner desire to cooperate to further the above-stated purpose in a way compatible with the public interest;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. License to Provide Outdoor Dining. The Town of Andover hereby grants the Restaurant Owner a revocable license to provide outdoor dining services at its restaurant facility located within the Town of Andover. The Licensee shall comply with the terms of this Agreement, the License granted by the Select Board, any other license related to the Restaurant Facility, all applicable laws, regulations, and bylaws

and all applicable rules and regulations established by the Select Board. Within the licensed area, the licensee may put and maintain no more than 4 tables and 8 chairs. All such services will be provided at the sole cost and expense of the Restaurant Owner. The Town of Andover shall not be liable for such cost nor obligated to reimburse the Restaurant Owner for the same. The Restaurant Owner shall be responsible for obtaining all permits or licenses at its expense for the construction of any improvements necessary to the provision of such services.

2. Indemnification. The Restaurant Owner shall indemnify, defend and save harmless the Town of Andover, its officers, and employees from and against all suits, actions, claims, demands, damages, losses, expenses, and costs of every kind and description relating to or arising from the operation, construction, or existence of the outdoor dining facility and service, under this Agreement.

3. Insurance. The Restaurant Owner shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the outdoor dining facility, in accordance with the State Workers' Compensation Laws. The Restaurant Owner shall furnish a certificate of insurance to the Town evidencing coverage of Workers' Compensation Insurance. In addition, the Restaurant Owner shall carry Comprehensive General Liability and Property Damages Liability Insurance, and if alcoholic beverages are served, Liquor Liability Insurance, with limits hereinafter set forth to cover the Restaurant Owner and its contractors and subcontractors against claims which may occur or result from operations under this Agreement. Such insurance shall cover the use of all equipment related to the provision of outdoor dining services. The Comprehensive General Liability Policy, and if applicable, Liquor Liability Insurance Policy, shall insure against all claims and demands for bodily injury and property damage with respect to the outdoor dining facilities and services, with limits of \$5,000,000 per occurrence and \$5,000,000 in the aggregate. The Town shall be named as an "additional insured" in all policies for such insurance with specific reference as to coverage related to this License Agreement. All such policies shall provide a waiver of subrogation in favor of the Town. The Restaurant Owner (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Andover and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under this agreement. The Restaurant Owner shall furnish a certificate of insurance to the Town prior to commencing any work, construction or services of the facilities and services authorized under this Agreement. Where such insurance is renewed or replaced the Restaurant Owner shall furnish the Town with a certificate of insurance evidencing same.

4. Maintenance. The Restaurant Owner shall maintain the premises utilized for the provision of outdoor dining facilities and services under this Agreement in a clean and orderly condition. The Restaurant Owner assumes responsibility for the removal of any debris generated by the construction, operation, or existence of the outdoor dining facility and service. These duties assumed by the Restaurant Owner include but are not limited to:

- Plant maintenance, lawn maintenance, if any;

- General maintenance and cleaning of fixtures;

- Sweeping;

- Trash removal; and

Security, including the removal of any person who becomes disorderly. The Restaurant owner shall be solely responsible for any costs and losses generated by the above listed, and any other maintenance duties.

5. Term. The License granted herein shall begin after it is approved by the Select Board and upon execution of this Agreement and payment of the License Fee and shall expire on the October 31<sup>st</sup> immediately following, unless sooner revoked. Notwithstanding the foregoing sentence this License is revocable at the will of the Andover Select Board at any time at the total discretion of said Select Board.

At the expiration or revocation of this License, the Licensee shall promptly remove all furniture and articles placed in the outdoor dining area, and return the area to condition at least as good prior to the issuance of this License.

6. Hours of Operation. The License granted hereunder neither extends the physical description of the Premises nor shortens or extends the hours during which the Licensee may carry on other lawful licensed activities in the premises to which the outdoor dining area is auxiliary.

7. Revocation. The parties covenant and agree that this License is not an interest in land and is revocable at will by the Andover Select Board for any reason whatsoever upon written notice to the Licensee from the Town. The License will terminate upon Licensee's receipt of said written notice described therein. Licensee acknowledges, covenants and agrees that this License is revocable at will by the Town and the Licensee further acknowledges, covenants and stipulates that in the event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity, or otherwise.

**WITNESS**, the execution hereof in counterparts under seal as of the date and year first above written.

By\_\_\_\_\_

Owner and Operator of Restaurant  
Located within the Town of Andover

By\_\_\_\_\_

Chairwoman, Select Board

Date: June 15, 2020



### CERTIFICATION OF GOOD FAITH

The undersigned certifies under the pains and penalties of perjury that this contract has been obtained in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

---

### CERTIFICATE OF STATE TAX COMPLIANCE

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, Ultimate Perk, Inc., whose principal place of business is at 96 ½ Main Street, Andover, MA., does hereby certify under the pains and penalties of perjury that he has paid all Massachusetts taxes and has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

---

Federal Identification No. of Ultimate Perk, Inc.:	56-2324014
Licensee	Number

## ULTIMATE PERK OUTDOOR DINING LICENSE MOTION

### MOTION:

I move to approve the application of Ultimate Perk, Inc. d/b/a Ultimate Perk, 96 ½ Main Street, for an Outdoor Dining License of 8 seats and 4 tables as shown on the submitted “Ultimate Perk Outdoor Seating Plans,” subject to the following conditions:

- 1) That State law, including the Governor’s Executive Orders regarding the re-opening of restaurants, are adhered to; and
- 2) That all other requirements of the Town are met prior to issuance.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Yes: \_\_\_\_\_

No: \_\_\_\_\_

## **Motion of the Select Board**

### **Delegation of Authority as Local Licensing Authority and also Confirmatory Approvals**

I move that the Board, in accordance with Governor Baker's June 1, 2020 COVID-19 Order No. 35, designate the Town Manager to act as the Andover Local Licensing Authority nunc pro tunc as of June 11, 2020 and hereby delegate to the Town Manager the authority to approve temporary alteration of existing premises for alcohol licenses to allow the service of alcohol onto approved outdoor dining facilities, and, further, to authorize and confirm approvals made by the Town Manager before this vote for the benefit of the following licensees:

- 99 Restaurant
- Andolini's Restaurant
- Gati Thai Bistro
- Grassfields Food & Spirits
- LaFina
- LaRosa's
- Oak & Iron Brewing Co.
- Palmer's Restaurant and Tavern
- Perry's Plate
- Raagini Indian Bistro
- Salvatores's
- Smythe & Dove Steak
- Tokyo Steakhouse
- *[and other licenses issued before 7:00pm on Monday – to be updated before the meeting]*

Motion Bond Anticipation Note (BAN) Sale

I move to adopt the votes presented to the Board and prepared by bond counsel in connection with the Town's June 2020 BAN issue and incorporate such votes into the minutes of this meeting.

(SPACE ABOVE THIS LINE RESERVED FOR REGISTRY OF DEEDS USE)

---

### QUITCLAIM DEED

The Inhabitants of the Town of Andover, a Massachusetts municipality having a usual place of business at 36 Bartlet St., Andover, Essex County, Massachusetts,

for consideration paid and in full consideration of SEVEN THOUSAND, NINE HUNDRED AND 00/100 (\$7,900.00) DOLLARS

grants to Janyce R. Ball, Trustee of J & J Ball Realty Trust u/d/t dated October 3, 2011 and recorded with the Essex North Registry of Deeds at Book 12643, Page 204

of 47 Spring Grove Road, Andover, MA 01810

with QUITCLAIM COVENANTS

That certain parcel of land and any improvements thereon shown as “Area to be conveyed from The Inhabitants of the Town of Andover to J & J Ball Realty Trust Area = 8,496 ft.<sup>2</sup> = 0.1950 AC” on Plan of Land entitled “Plan of Land in Andover, Massachusetts showing Land to be conveyed from The Inhabitants of the Town of Andover to J & J Ball Realty Trust, 47 Spring Grove Rd., Andover MA 01810” (the “Plan”) said Plan being dated January 13, 2017 and revised January 14, 2019 and being prepared by Merrimack Engineering Services and to be recorded herewith.

According to the Plan, said Parcel contains 8,496 ft.<sup>2</sup> (0.1950 acres) of land, and reference maybe had to said Plan for a more particular description of the Parcel.

Being a portion of the premises conveyed to the Grantor by Deed of Charles Clark dated May 5, 1924 and recorded with said deeds at Book 528, Page 11.

Homestead rights do not apply.

For Authority to make this conveyance see vote on Article 64 at the 2019 Annual Andover Town Meeting and that certain Special Act of the Legislature, entitled “An Act Authorizing the Town of Andover to Convey a Portion of a Certain Parcel of Land” being Chapter 36 of the Acts of 2020, passed March 2, 2020 and approved by Governor Baker on March 5, 2020.

END OF TEXT, SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the said The Inhabitants of the Town of Andover, have caused its seal to be hereto affixed and these presents to be signed by its Select Board Chair, having been authorized by vote of the Select Board, , this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

The Inhabitants of the Town of Andover,

\_\_\_\_\_  
By:

Its:     Select Board Chair

COMMONWEALTH OF MASSACHUSETTS

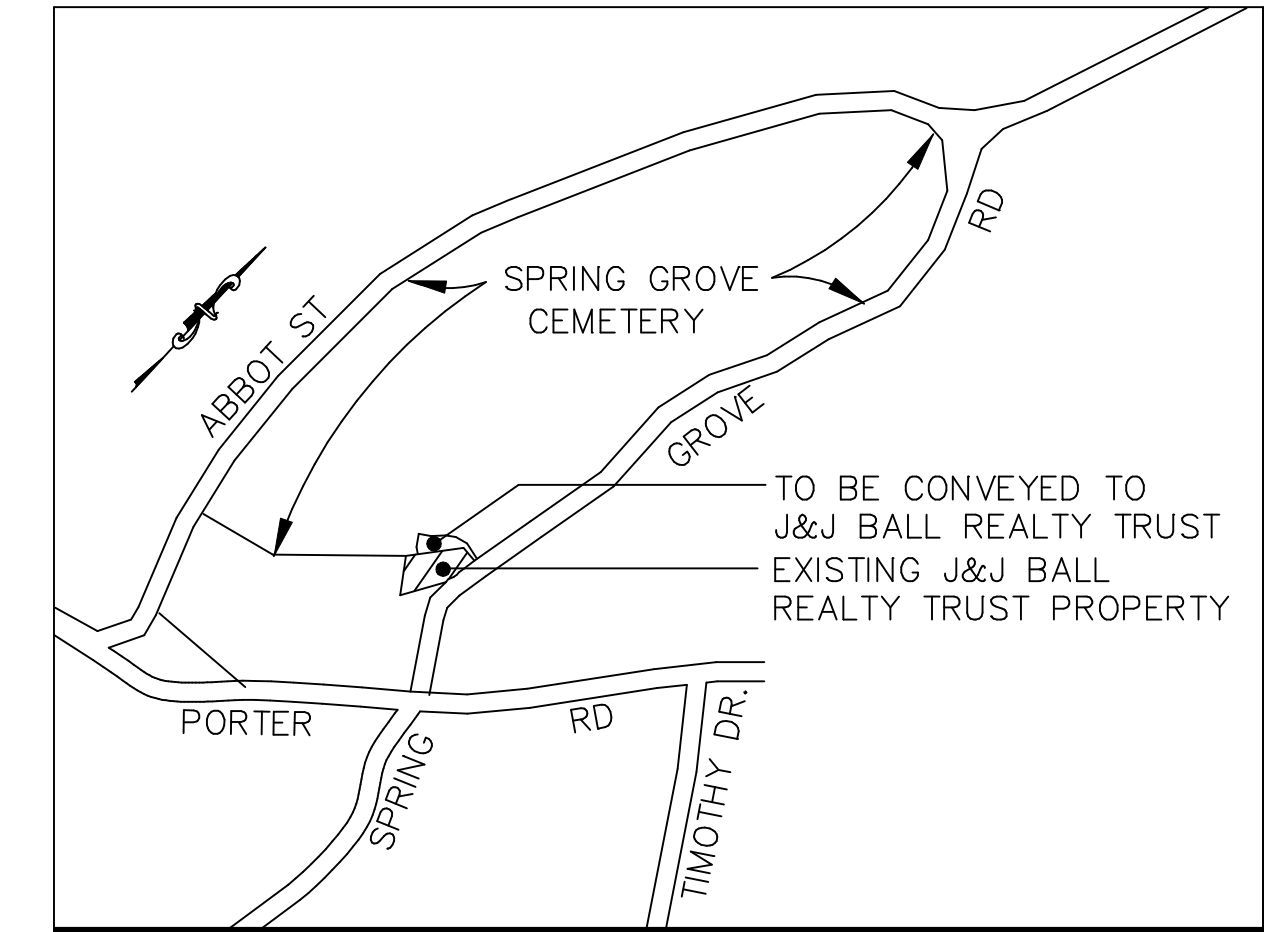
Essex, ss. \_\_\_\_\_, 2020

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020 before me, the undersigned notary public, personally appeared

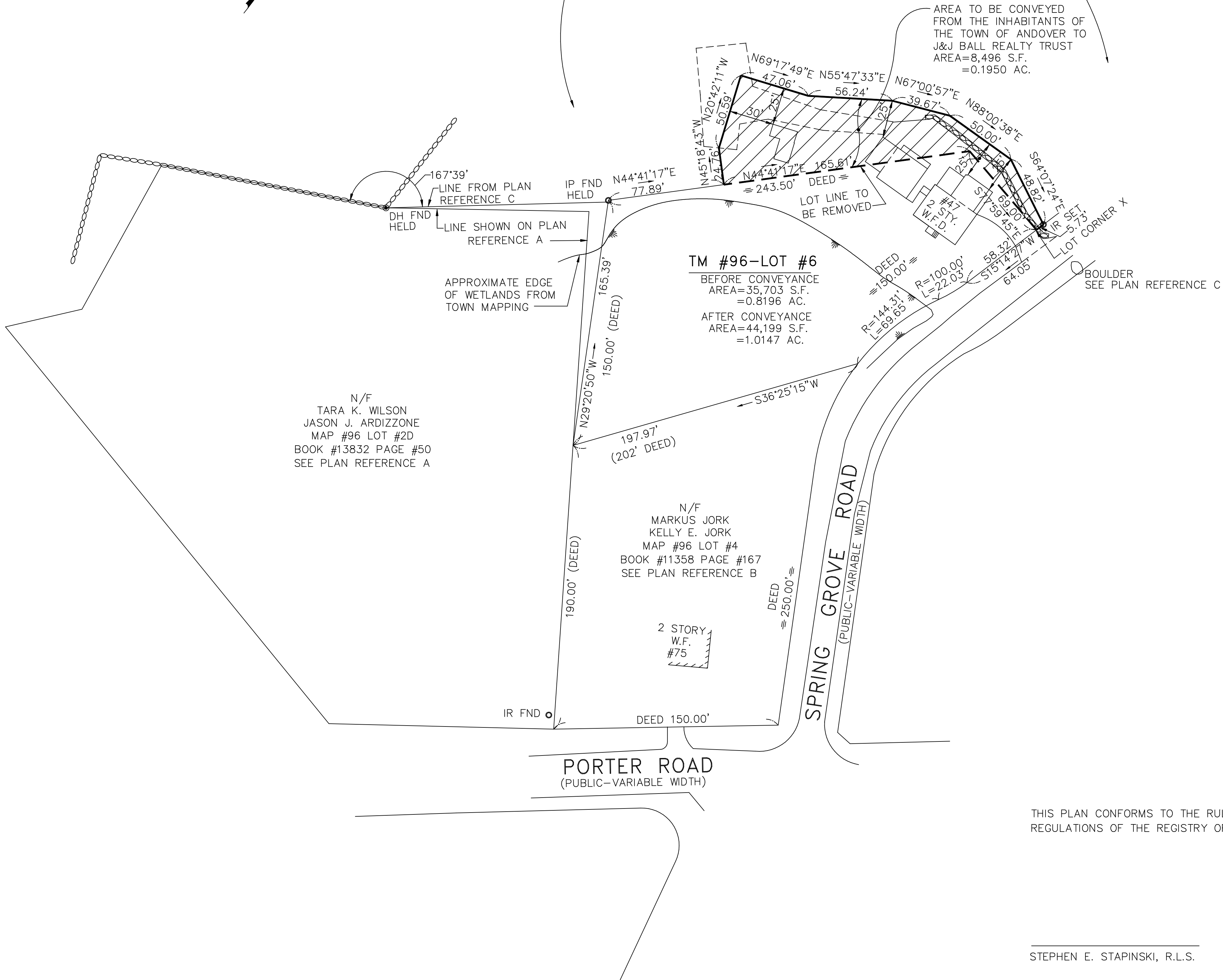
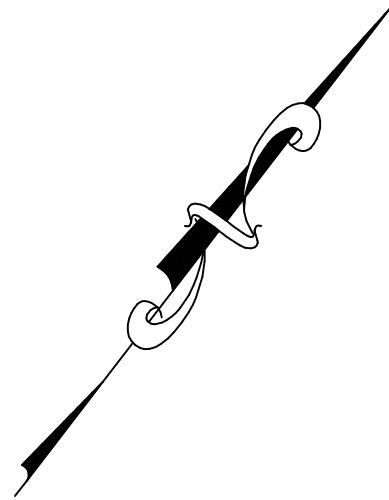
\_\_\_\_\_,  
proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that \_\_\_\_\_ signed it voluntarily for its stated purpose in \_\_\_\_\_ capacity as Select Board Chair for The Inhabitants of the Town of Andover, having been authorized to act in that capacity by vote of the Town of Andover Select Board.

\_\_\_\_\_,Notary Public

My Commission Expires:



LOCUS  
N.T.S.



### NOTES

- SEE E.N.D.R.D. DEED BOOK #12642 PAGE #208 AND BACK TITLE BOOK #502 PAGE #582.  
SEE TOWN OF ANDOVER MAP #96 LOT #6 FOR SITE.
- SEE THE FOLLOWING PLAN REFERENCES:
  - E.N.D.R.D. PLAN #16367
  - PLAN OF LAND, 75 PORTER ROAD, DATED SEPTEMBER 10, 2011 BY JM ASSOCIATES, 325 MAIN STREET, NORTH READING, MA 01864
  - SURVEY AND BOUNDARY PLAN SPRING GROVE CEMETERY, ANDOVER, MA, SCALE 1"=30', TOWN OF ANDOVER ENGINEERING DEPARTMENT
- THERE IS EVIDENCE OF AN OLD BASS TREE HAVING BEEN AT LOT CORNER X AND HAVING BEEN REMOVED.
- ZONING DISTRICT SRB REQUIRES 30,000 S.F. LOT AREA.

FOR REGISTRY USE

### LEGEND

○ IR	IRON ROD
● DH	DRILL HOLE
STY.	STORY
W.F.D.	WOOD FRAME DWELLING
N/F	NOW OR FORMERLY
⊗	BOULDER WALL
—	APPROXIMATE EDGE OF WETLANDS FROM TOWN MAPPING

APPROVAL UNDER THE SUBDIVISION CONTROL  
LAW NOT REQUIRED

ANDOVER PLANNING BOARD

_____	DATE
_____	
_____	
_____	

PLAN OF LAND  
IN  
ANDOVER, MASSACHUSETTS  
SHOWING LAND TO BE CONVEYED FROM THE  
THE INHABITANTS OF THE  
TOWN OF ANDOVER  
TO

J&J BALL REALTY TRUST  
47 SPRING GROVE ROAD  
ANDOVER, MASSACHUSETTS 01810

DATE: JANUARY 13, 2017 REV: JANUARY 14, 2019

SCALE: 1"=40'



TM: 96 TL: 6 ADDRESS: 47 SPRING GROVE ROAD

MERRIMACK ENGINEERING SERVICES  
66 PARK STREET  
ANDOVER, MASSACHUSETTS 01810  
PHONE: (978) 475-3555 FAX: (978) 475-1448  
EMAIL: MERRENG@AOL.COM

THIS PLAN CONFORMS TO THE RULES AND  
REGULATIONS OF THE REGISTRY OF DEEDS

STEPHEN E. STAPINSKI, R.L.S.

1/14/19  
DATE



Motion for 47 Spring Grove Road

I move that the Select Board authorize the Chair to sign the deed for the sale and conveyance of Town cemetery land located at 47 Spring Grove Road as authorized by the 2019 Town Meeting

## Select Board Meeting

Monday, June 1, 2020

Virtual Meeting Broadcast on Comcast Channel 22 Verizon Channel 45

---

### I. Call to Order

Chairperson Laura Gregory called the meeting of the Select Board to order at 7:00 P.M. via Web-X. Participating remotely from the Select Board: Alex Vispoli, Annie Gilbert, Dan Koh, Chris Huntress and Laura Gregory.

Others participating remotely: Town Manager Andrew Flanagan, Deputy Town Manager Michael Lindstrom, Assistant Town Manager Patrick Lawlor, Town Counsel Tom Urbelis, Town Clerk Austin Simko, and Director of Public Health Tom Carbone, Town Moderator Sheila Doherty. The meeting was duly posted and cablecast live.

**Tonight's meeting is completely virtual. Residents can call in at 311 or 978-623-8311 or email [manager@andoverma.gov](mailto:manager@andoverma.gov)**

### II. Opening Ceremonies

#### A. Moment of Silence/Pledge of Allegiance

The meeting began with a Moment of Silence followed by a Salute to the Flag.

### III. Communications/Announcements/Liaison Reports

Approximately three years ago the Select Board passed a statement against hatred in response to some unfortunate events that occurred in Andover and across the country. Recently, there have been some similar issues that have surfaced in our schools and towns. Laura Gregory read aloud the Board's statement that applies as much now as it did then. The Select Board, as public servants, leaders, and elected representatives of the Town of Andover have an even greater responsibility to speak out against hatred, discrimination, racism, and xenophobia and feel compelled to formally condemn the acts of racism, hate and violence. When these occur human rights for all feel threatened.

The Select Board of Andover, consistent with the Town of Andover's Mission and Value Statement, state their continued commitment to stand with the entire Andover Community regardless of their ethnicity or religion and stand against those who preach hate or incite violence. We will defend tolerance and commit this Board and our Town to welcoming all races, religions, creeds, and orientations.

Laura was pleased the rally and protest held this evening in Andover tonight was peaceful.

The Town Manager reported that the peaceful rally and protest held at 5:00 P.M. in Shawsheen Square went forward as scheduled without incident. He thanked the participants and the Andover Policemen who that provided security and support.

Andrew thanked the outside of Andover agencies that supported those efforts, including the Lawrence and North Andover Police Departments as well as the various departments from NEMLEC.

Austin Simko reported that the Annual Town Election is next Tuesday, June 9<sup>th</sup>. For those voters who want to vote by absentee ballot, he recommends they download the application from the Town Clerk's website, complete it and scan and return to TownClerk@andoverma.us or drop off at the Town Clerk's Office at Town Offices or at 5 Campanelli Drive. If you don't have a scanner, residents can submit a photo of the completed application.

Annie Gilbert thanked everyone who participated in the peaceful protest tonight; unfortunately, it doesn't mean all is well. She acknowledged that over the weekend the AHS Principal sent out an email out to the School Committee reporting on some racist social media posts sent out by some AHS students. An investigation is underway but the damage to the community is large. She hopes that we as Town leaders will come together again with the Schools, community organizations and residents to come together to make Andover an inclusive place with respect for everyone. We have a long-track record of coming together in difficult events.

As an Asian American, Dan Koh said he will never experience the kind of systemic racism and oppression that many African Americans in this country feel. What is so important at a time like this is to really understand what the events of the past week have bared and how much progress we need as a country to do to achieve full inclusivity for all. Thousands of people attended the protest tonight and a real show of solidarity of who we are as citizens of Andover. He hopes we can continue this inclusivity.

Chris Huntress also went to the protest today and was very proud and thankful of the memorial for George Floyd that we saw. He read some statements today, put out by President Obama, that change really starts at the local level and that we have the opportunity to really create change. Chris said he can promise that he will be a better listener when it comes to race and diversity and work strongly that racism will not work in Andover or anywhere.

Alex Vispoli also shares the same sentiments of his fellow Select Board members. Given what we have seen in other states and in Boston, protests that were peaceful and attended for the right reason.

#### **IV. Regular Business of the Board**

##### **A. COVID-19 Update**

The Town Manager said the Town Moderator has exercised her authority under the Special Act and postponed Town Meeting to July 22, 2020, which changes the course of action relative to the Fiscal Year 2021 budget. Because of the change in date, the procedure is for him to present a 1/12<sup>th</sup> budget, which must be no less than 1/12 of the FY-20 budget, but can be adjusted to ensure the continuity of Town and School operations for July. Should the Town Meeting date be moved again, entirely at the Moderator's discretions, he will come back to the Board to present a 1/12 budget with modifications.

He expects he will be bringing the July budget to the Select Board at their next meeting on June 15<sup>th</sup>.

We are in the processing of reopening of certain public spaces in Town that include the dog park, tennis and pickle ball courts with appropriate protocol signs for social distancing. Playgrounds and basketball courts are not re-opening at this time. A big component of reopening is Town Offices. We have kept all Town departmental division offices open during the closure with at least 25% staff level. They are in the process of preparing all public buildings to re-open for a greater percentage of staff and eventually the public.

Mike Lindstrom, Co-Chair of the Joint Town/School Re-Opening Task Force, said they expect to have State guidelines on school openings in late June. Their initial focus has been on establishing safety guidelines, protocols, and modifications needed for physical space in Town buildings to bringing staff safely back. He thanked Chief Mansfield and Janet Nicosia for their assistance with the orders for PPE. They are establishing a customer service center consisting at Town Hall consisting of two self-service terminals, video and phone, for residents to get services and will be greeted by Town Staff to guide them through the process. They hope to get staff at 50% and working on opening Pomp's Pond around June 20<sup>th</sup> at the door with a concierge at get moving onto 50% of staff in office

Tom Carbone reported that current number of cumulative COVID-19 cases is 298, with 48 active cases still in isolation and about 45% of total case numbers coming from long-term care. The next step will be to look at how expanded testing might look and what type of information that can give us and waiting on guidance from the State. Staff have been busy conducting case and contact tracking and working on the re-opening guidance for restaurants and camps.

Tom Urbelis said the Moderator has made her decision and declaration to change the date of Town Meeting and, under the law, we have ten (10) days to report to the Attorney General the justification for the change. The Select Board has to nominate someone from Public Safety or Public Health to make the report to the State. Tom suggested nominating Tom Carbone to make the report to the Attorney General.

Chris Huntress moved that the Select Board appoint Tom Carbone to draft their response to the State Attorney General's Office in regard to the postponement of Town Meeting. Dan Koh seconded the motion. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress

B. Outdoor Dining and Back to Business Program

Town Clerk, Austin Simko, Paul Materazzo, Director of Planning and Ann Ormond, Director of Business, Arts and Cultural Development provided an update on Outdoor Dining and Back to Business Program.

Austin Simko began the presentation on the outdoor dining 120-day community event being planned to help restaurants by allowing outdoor seating on public and private land. On May 18<sup>th</sup> the Select Board voted on a resolution for specific actions to accomplish the community event. The event would require an application and review process.

Restaurants can temporarily expand their license to serve alcohol in the public spaces or have one-day licenses. The plans would be reviewed by Public Safety, the Health Dept. and the Planning Board. Several locations downtown have been identified for outdoor dining and they are looking into removing parking spaces from some of the stores to be used for dining tables.

Private Land: The Executive Order from the Governor would give the Town (not the ZBA) the ability to approve outdoor dining. Tom Urbelis said they have put together a very comprehensive process in a streamline fashion. An advisory just issued by the ABCC allows the Select Board to approve, without the ABCC's approval, and allows one day liquor licenses approved by the Town Manager. An establishment is allowed to have only 30 one-day liquor licenses per year per the ABCC.

Summary: Provides temporary regulations for the 120-day event. The Town Manager would authorize the licenses, the criteria are the same as pre-COVID-19, clear with social distancing and subject to public safety, DPW, and traffic regulations. With 2 options: 1: amendment to your liquor license for temporary use or Option 2: a one-day license.

Alex Vispoli asked how would this apply to Post Office Avenue, a private way with 3 restaurants. Can that be included in this or would they still have to go to the ZBA? Tom Urbelis is not sure if it has to go to the ZBA if it is not a public way, but he will look into it. Laura suggested streamlining the ZBA process as much as possible so the options can be explored. Tom said the ZBA has committed to recommending to other Board meetings that they have more than one meeting a month to address the situations.

If the Board approves the regulations they would reach out to restaurants about the framework and regulations. The 120-day event would be declared when restaurants have gone through the process, and after the Governor sanctions the 120-day period. The Town Manager has the ability to make the determination when the 120-day period begins.

They are looking into barrier devices to place along the roadway where diners would be sitting. Currently, the speed limit downtown is 25 mph; they can discuss lowering it to 20 mph. The parking lanes are at least 12 ft. to 16 ft. depending upon the area. There would be a minimal effect on parking downtown. If there is a problem, the outdoor dining regulations and license agreement says it is an at will license that the Town can revoke at any time.

The Back to Business Grant Program - Paul Materazzo and Ann Ormond  
Grant funding would be made available through the Columbia Gas event targeted for the downtown area and provide a variety of items to reinvent and support the local businesses at a cost of approximately \$200,000. An online portal has been developed which they are prepared to launch that would provide tools to augment various businesses. Every business is open to apply, not just those located in the downtown area.

Applications would be on a rolling basis. Opportunities include:

Complimentary piece to the outdoor dining with a specific category for outdoor restaurants and dining grants

Re-Invent Retail and Service Grant funding could be used for e-commerce, gift card, website and other equipment social media and marketing.

Reinvent Non-Profit and Arts and Culture Grant funding could be used to provide downtown entertainment, performances and outdoor open studios concept in coordination with the Andover Cultural Council and Arts Alliance.

Downtown Aesthetics & Programming

Downtown Entertainment, Up lighting at Old Town Hall and Memorial Hall Library.

Ann Ormond has been speaking with and frequenting businesses on a daily basis and they need some help. She thinks this grant program is a small gesture to use the funds to help the small businesses in Andover. She is looking forward to bringing some light back to downtown.

Chris Huntress said there are some great opportunities for outdoor furniture pieces that could be used for outdoor spaces that he could share with them.

The Select Board are supportive of the ideas presented and thanked everyone for their hard work.

Alex Vispoli moved to approve Small Business Policy 11.6 as presented. The motion was seconded by Chris Huntress. Roll call: A. Gilbert-Y, D. Koh-Y, A. Vispoli-Y, C. Huntress-Y, and L. Gregory-Y. Motion passes 5-0.

## V. Consent Agenda

### A. Appointments by the Town Manager

Annie Gilbert moved that the following appointments by the Town Manager be approved as presented. The motion was seconded by Dan Koh. Roll call: A. Gilbert-Y, D. Koh-Y, C. Huntress-Y, A. Vispoli-Y, A. Gilbert-Y, L. Gregory-Y. Motion passes 5-0.

Department	Name	Position	Rate/Term	Date of Hire
CD&P – Health Division	Rebecca Small (Denise Paul)	Administrative Secretary	\$55,130.75/year	6/8/2020
Town Clerk's Office	Audrey Byerley	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Scott Dianis	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	MaryAnn DiNatale	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Martha Mahoney	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Sandra Morrison	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Matt Murphy	Pollworker	\$9.25/hour	6/1/2020

Town Clerk's Office	Micheline Pelletier	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Iris Roskell	Pollworker	\$9.25/hour	6/1/2020
Town Clerk's Office	Sanders Witman	Pollworker	\$9.25/hour	6/1/2020

**VI. Adjourn**

At 8:14 P.M. Dan Koh moved that the Select Board adjourn from the meeting of Monday, June 1, 2020. The motion was seconded by Alex Vispoli.

Roll call: A. Gilbert-Y, A. Vispoli-Y, D. Koh-Y, C. Huntress-Y, and L. Gregory-Y.

Motion passes 5-0.

Respectfully submitted,

Dee DeLorenzo

Dee DeLorenzo

Recording Secretary